

COUNTY COUNCIL

OF

HARFORD COUNTY, MARYLAND

1973 Legislative Session, Legislative Day No. 73-10

Bill No. 73-1 (With Amendments)

Introduced by Mr. John W. Hardwicke

AN ACT to enact a Competitive Bidding law for Harford County, Maryland, for purchase by or contract with Harford County, Maryland, in the sum of Three Thousand Dollars (\$3,000.00) or more, except contracts for professional services, purchases or contracts with respect to which there is only one (1) supplier, emergency purchases or contracts, and relating generally to competitive bidding in Harford County, Maryland.

TO REPEAL SECTION 219 OF THE CODE OF PUBLIC LOCAL LAWS OF HARFORD COUNTY (ARTICLE 13 OF THE CODE OF PUBLIC LOCAL LAWS OF MARYLAND) AS AMENDED; ENTITLED, "PURCHASE OF MATERIAL AND SUPPLIES." AND RE-ENACT NEW SECTION 219 TO BE ENTITLED, "PROCUREMENT.", AND PROVIDING FOR THE ESTABLISHMENT OF A PROCUREMENT POLICY BOARD, AND A CENTRAL PROCUREMENT OFFICE AND THE PROMULGATION AND ADOPTION OF RULES AND REGULATIONS GOVERNING PROCUREMENT AND COMPETITIVE BIDDING AND PRESCRIBING BY LAW FOR COMPETITIVE BIDDING FOR ANY PURCHASE BY OR CONTRACT WITH HARFORD COUNTY, MARYLAND, IN THE SUM OF THREE THOUSAND DOLLARS (\$3,000.00) OR MORE, EXCEPT CONTRACTS FOR PROFESSIONAL SERVICES, PURCHASES OR CONTRACTS WITH RESPECT TO WHICH THERE IS ONLY ONE (1) SUPPLIER, EMERGENCY PURCHASES OR CONTRACTS, AND RELATING GENERALLY TO PROCUREMENT AND COMPETITIVE BIDDING IN HARFORD COUNTY, MARYLAND.

By the Council February 13, 1973

Introduced, read first time, ordered posted and public hearing scheduled on

March 6, 1973, at 7:30 P.M. in the

Council Hearing Room, Bel Air, Maryland.

By order, Eugene B. Johnston, Secretary

PUBLIC HEARING

Having been posted and Notice of time and place of hearing and Title of Bill having been published according to the Charter, a public

hearing was held on March 6, 1973 and concluded

on April 10, 1973.

Eugene B. Johnston, Secretary

1 Section 1. Be it enacted by the County Council of Harford County,
2 Maryland, that there is hereby enacted a bill entitled
3 "~~Competitive Bidding~~" "PROCUREMENT" to read as follows:

4 219. PROCUREMENT.

5 (a) STATEMENT OF POLICY. IT IS THE INTENT AND PURPOSES
6 OF THIS ENACTMENT THAT EACH PURCHASE OF HARFORD COUNTY UNDER THE
7 PURVIEW OF THIS ~~Competitive Bidding Law~~ PROCUREMENT LAW BE MADE
8 IN SUCH A MANNER THAT THERE IS MAXIMUM EXPOSURE OF THE CONTEMPLATED
9 PURCHASES SO THAT ALL PURCHASES MAY BE MADE FROM QUALIFIED
10 COMPETITORS AT A MINIMUM PRICE.

11 (b) Competitive Bidding. Any single purchase by or con-
12 tract with the County of Three Thousand Dollars, (\$3,000.00), or
13 more, except contracts for professional services customarily
14 negotiated, shall be made from or let by sealed bids or proposals
15 publicly opened after public notice for such period or in such
16 manner as the County Executive or his designee shall determine.
17 Such purchases or contracts shall be made from or awarded to the
18 lowest responsible bidder who shall give security or bond for the
19 performance of his contract as determined by the County Executive
20 or his designee; provided, however, that no such purchase or
21 contract shall be made or awarded within a period of one week from
22 the date of the public openings of bids. In all cases the County
23 shall reserve the right to reject any and all bids. All construc-
24 tion, maintenance and repair work shall be subject to the require-
25 ments of competitive bidding provided in this section, unless such
26 work is to be done directly by the County through the use of its
27 own laboring force. All materials and supplies used by the County
28 laboring force shall be purchased in accordance with the provisions
29 of this article. The provisions of this article, however, shall
30 not apply to any purchase or contract with respect to which there
31 is only one supplier and provided further, the provisions of this
32 article shall not apply to emergency purchases or contracts, but

1 any and all purchases or contracts made under these exceptions
2 shall be specifically reported to the Council at the time of the
3 next Council meeting after such purchases or contracts.

4 (c) CENTRAL PROCUREMENT OFFICE.

5 (1) CREATION. THERE IS HEREBY CREATED A CENTRAL
6 PROCUREMENT OFFICE IN THE EXECUTIVE BRANCH OF HARFORD COUNTY,
7 MARYLAND. THE PROCUREMENT OFFICE SHALL BE GUIDED IN ITS DUTIES
8 AND FUNCTIONS BY THE RULES AND REGULATIONS PROMULGATED AND ADOPTED
9 IN ACCORDANCE WITH THE CHARTER OF HARFORD COUNTY, MARYLAND, TO
10 GOVERN PROCUREMENT BY THE COUNTY GOVERNMENT.

11 (2) STAFF. THE PROCUREMENT OFFICE SHALL BE DIRECTED BY
12 AN ADMINISTRATOR WHO SHALL BE EMPLOYED ON THE BASIS OF HIS
13 EXPERIENCE AND QUALIFICATIONS IN THE AREA OF PROCUREMENT. OTHER
14 PERSONS MAY BE EMPLOYED TO ASSIST THE ADMINISTRATOR AS ARE FROM
15 TIME TO TIME REQUIRED.

16 (3) DUTIES. THE PROCUREMENT OFFICE SHALL, UNDER THE
17 DIRECTION OF THE COUNTY EXECUTIVE, COORDINATE THE PROCUREMENT
18 EFFORTS OF HARFORD COUNTY IN ACCORDANCE WITH RULES AND REGULATIONS
19 ADOPTED TO GOVERN PROCUREMENTS BY THE COUNTY.

20 (d) PROCUREMENT POLICY BOARD.

21 (1) CREATION. THERE IS HEREBY CREATED A PROCUREMENT
22 POLICY BOARD, CONSISTING OF THREE (3) PERSONS, TO BE SELECTED BY
23 THE COUNTY COUNCIL FROM A LIST OF NAMES OF SIX (6) PERSONS PRE-
24 SENTED TO THE COUNCIL BY THE COUNTY EXECUTIVE. THE NOMINATION
25 AND SELECTION SHALL BE WITHOUT REGARD FOR POLITICAL CONSIDERATIONS
26 AND SHALL BE BASED SOLELY UPON THEIR EXPERIENCE AND QUALIFICATIONS
27 IN THE AREA OF PROCUREMENT. THE NAMES OF THE FIRST BOARD MEMBERS
28 SHALL BE SUBMITTED TO THE COUNCIL FOR ITS APPROVAL WITHIN THIRTY
29 (30) DAYS OF THE DATE THIS BILL BECOMES LAW.

30 (2) TERM. THE BOARD SHALL SERVE FOR A PERIOD OF ONE
31 (1) YEAR FROM THE DATE OF ITS APPOINTMENT UNLESS SOONER ABOLISHED
32 OR REAPPOINTED BY LAW.

1 (3) COMPENSATION. THE BOARD SHALL RECEIVE NO
2 COMPENSATION EXCEPT AS IS FROM TIME TO TIME RECOMMENDED BY THE
3 COUNTY EXECUTIVE AND APPROVED BY THE COUNTY COUNCIL TO DEFRAY
4 ADMINISTRATIVE EXPENSES.

5 (4) DUTIES AND FUNCTIONS OF THE BOARD. THE BOARD SHALL
6 BE AN ADVISORY BOARD TO THE PURCHASING OFFICE OF HARFORD COUNTY.
7 THE BOARD SHALL PREPARE AND RECOMMEND RULES AND REGULATIONS
8 GOVERNING PROCUREMENT BY THE COUNTY WITHIN NINETY (90) DAYS AFTER
9 THEIR APPOINTMENT; UNLESS THE COUNTY COUNCIL SHALL UPON THE
10 REQUEST OF THE BOARD EXTEND THE TIME PERIOD. THE RULES AND
11 REGULATIONS SHALL BE ADOPTED PURSUANT TO SECTION 807 OF THE
12 CHARTER OF HARFORD COUNTY, MARYLAND. THE RULES SHALL INCLUDE, AS
13 APPROPRIATE, BUT SHALL NOT BE LIMITED TO THE FOLLOWING AREAS:

14 (i) BONDING REQUIREMENTS AND PROCEDURES.

15 (ii) LIQUIDATED DAMAGE CLAUSES AND CIRCUMSTANCES
16 UNDER WHICH SUCH DAMAGE CLAUSES SHOULD BE INCLUDED.

17 (iii) WARRANTIES.

18 (iv) STATEMENTS WITH RESPECT TO THE PERSON OR
19 PERSONS HAVING AUTHORITY TO PURCHASE ON BEHALF OF HARFORD COUNTY.

20 (v) A STATEMENT OR STATEMENTS IN REGARDS TO
21 PURCHASE DESCRIPTIONS TO INSURE THAT THEY ARE NOT SO WRITTEN AS TO
22 SPECIFY A SPECIFIC PRODUCT OR EXCLUDE OTHER PRODUCTS UNLESS IT IS
23 DETERMINED THAT A PARTICULAR FEATURE IS ESSENTIAL TO THE COUNTY'S
24 REQUIREMENTS.

25 (e) PENALTY FOR NON-COMPLIANCE. ANY CONTRACT MADE IN
26 VIOLATION OF THIS ORDINANCE AND/OR THE RULES AND REGULATIONS
27 ADOPTED GOVERNING PROCUREMENT BY HARFORD COUNTY SHALL BE NULL AND
28 VOID AB INITIO.

29 Section 2. And be it further enacted, That this Act shall take
30 effect sixty (60) calendar days following its enactment.

31 Effective Date: June 29, 1973
32

BY THE COUNCIL

Read the third time.

Passed April 10, 1973 (With Amendments)

~~SENT TO THE EXECUTIVE~~

By order

Imogene B. Johnston, Secretary

Sealed with the County Seal and presented to the County Executive for his
approval this 11th day of April, 1973 at
2:00 o'clock P.M.



Imogene B. Johnston, Secretary

BY THE EXECUTIVE

APPROVED:

Charles B. Anderson, Jr.
Charles B. Anderson, Jr., County Executive

Date April 30, 1973

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council,
stands enacted on June 29, 1973

Imogene B. Johnston
Imogene B. Johnston, Secretary of the County Council